

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**ENCAP, LLC,**  
*Appellant,*

**v.**

**THE SCOTTS COMPANY LLC,**  
*Appellee.*

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2015-1008

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Appeal from the United States Patent and Trademark  
Office, Patent Trial and Appeal Board in No. IPR2013-  
00110.

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**ON MOTION**

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**O R D E R**

The Under Secretary of Commerce for Intellectual  
Property and Director of the United States Patent and  
Trademark Office (“Director”) informs the court that the  
Director exercises the right under 35 U.S.C. § 143 to  
intervene in the above-captioned appeal.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is granted. The appellee's brief and the intervenor's brief shall be due within 40 days of the date of filing of this order.

FOR THE COURT

/s/ Daniel E. O'Toole  
Daniel E. O'Toole  
Clerk of Court